



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 255-99

2 June 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 May 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 6 February 1975 at age 19. Your record reflects that you received six nonjudicial punishments and were convicted by a special court-martial. The offenses included unauthorized absences totalling 109 days, failure to obey a lawful order, use and possession of marijuana, stealing a pair of combat boots, two false official statements, breaking restriction on four occasions, and possession of marijuana.

On 13 March 1978 the commanding officer recommended that you be separated with a general discharge by reason of unsuitability due to pseudofolliculitis barbae. Subsequently, you received a seventh nonjudicial punishment for an unauthorized absence of four days. Consequently, you received a general discharge by reason of unsuitability on 12 July 1978.

Character of service is based, in part, on one's conduct and proficiency averages, both of which are computed from marks assigned during periodic evaluations. Your conduct and

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proficiency averages were 3.1 and 3.8, respectively. A minimum average conduct mark of 4.0 was required for a fully honorable characterization of service at the time of separation.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and good postservice conduct. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge given the eight disciplinary actions for more than three months of unauthorized absences, and the fact that your conduct average was insufficiently high to warrant a fully honorable discharge. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director